

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.	)	
State Engineer, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	No. 69cv07941 MV/KK
	)	
v.	)	Rio Chama Adjudication
	)	
RAMON ARAGON, et al.,	)	Pueblo Claims Subproceeding 1
	)	
Defendants.	)	
_____	)	

**JOINT MOTION FOR ORDER PROTECTING CONFIDENTIALITY OF  
SETTLEMENT NEGOTIATIONS**

The undersigned parties (“Negotiation Parties”) hereby move the Court to enter an order to protect the confidentiality of negotiations in this subproceeding in the above captioned case.

In support of this motion, the Negotiation Parties assert the following:

1. The Negotiation Parties have agreed to seek an efficient and mutually beneficial resolution of the water rights claimed by Ohkay Owingeh, and by the United States on behalf of Ohkay Owingeh, and related issues through compromise negotiations.
2. The Negotiation Parties represent a diverse range of interests and are participating in negotiations which are becoming increasingly technical, detailed, and complex.
3. To facilitate the negotiation process, the Negotiation Parties have agreed to seek the assistance of professional Mediators.
4. In connection with the settlement negotiations, the Negotiation Parties in 2013 - 2014 executed an *Agreement Protecting Confidentiality of Settlement Discussions Concerning*

*Ohkay Owingeh Claims in the Rio Santa Cruz, Rio de Truchas, and Rio Chama Stream Systems, and Other Matters*, which sets the terms and conditions for the negotiation process, including that the Negotiation Parties may request that the Court enter order(s) protecting the confidentiality of negotiations. An amendment to this agreement concerning certain technical exchanges was executed by the Negotiation Parties, with the exception of the City of Española, in 2018 – 2019.

5. At this stage of the negotiations, the Negotiation Parties believe that entry of a confidentiality order will be beneficial. The negotiation process requires a free and frank exchange of ideas and information among the Negotiation Parties, which can only occur if the confidentiality of the negotiation process, including any documents prepared for purposes of the mediation, is protected.
6. These negotiations are combined with simultaneous negotiations in the companion case styled *State of New Mexico ex rel. State Engineer v. Abbott*, Nos. 68cv07488 & 70cv08650 consolidated (MV/JHR). The Negotiating Parties seek to preserve the confidentiality of their settlement negotiations, whether related to this proceeding or the *Abbott* proceeding.
7. A successfully negotiated settlement of the issues involved ultimately will be made public and subject to review by other parties to the lawsuit, and the settlement of the Pueblo's water rights claims will require review and approval by this Court before it can be finalized by entry of a Partial Final Judgment and Decree.

8. WHEREFORE, the Negotiation Parties move the Court to enter an order protecting the confidentiality of their settlement negotiations, and respectfully submit herewith a stipulated proposed form of order for the Court's consideration.

Dated this 5th day of October, 2020.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 5th day of October, 2020, I filed the foregoing electronically through the CM/ECF System, which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Bradley S. Bridgewater  
Bradley S. Bridgewater